



Entered on Docket
May 13, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle", is positioned above the judge's name.

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SIXTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
ELIZABETH MAY REAL ESTATE
LOAN**

Hearing Date: May 8, 2008
Hearing Time: 10:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

Pending before the Court is the USACM Liquidating Trust's Sixth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Elizabeth May Real Estate Loan (the "Objection") [DE 6109]. Adequate notice of the Objection was given. The Court heard the Objection on May 8, 2008. No responses were filed to the Objection and no opposition was raised at the hearing. Good cause appearing,

IT IS ORDERED:

- Sustaining the Objection;
- Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they are based upon an investment in the Elizabeth May Real Estate Loan. The Proofs of Claim listed in Exhibit A are not affected by this order to the extent they are based upon an investment in a loan(s) other than the Elizabeth May Real Estate Loan; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to the Proofs of Claim listed on Exhibit A attached.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

Attorneys for USACM Liquidating Trust

**ELIZABETH MAY LOAN
SIXTH OMNIBUS OBJECTION**

**EXHIBIT A
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Elizabeth May Loan
10725-02375	John J. and Diane M. Maguire Living Trust Dated 8/4/00	John J. and Diane M. Maguire Trustees 5590 San Palazzo Court Las Vegas, NV 89141-3913	\$101,250.19	\$50,000.00
10725-01969	Terry Markwell Profit Sharing Plan and Trust	Terry Markwell Trustee 12765 Silver Wolf Road Reno, NV 89511	\$403,853.21	\$100,000.00
10725-00846	Max Mathews	c/o Scott D. Fleming, Esq. Hale Lane Peek Dennison & Howard 3930 Howard Hughes Parkway, 4 th Floor Las Vegas, NV 89169	\$85,000.00	\$60,000.00
10725-01239	Max Mathews	c/o Scott D. Fleming Esq. Hale Lane Peek Dennison & Howard 3930 Howard Hughes Parkway, 4 th Floor Las Vegas, NV 89169	\$85,000.00	\$60,000.00
10725-02353	Musso Living Trust Dated 11/30/92	Walter and Barbara Musso Trustees P.O. Box 2566 Avila Beach, CA 93424	\$623,004.79	\$50,000.00
10725-02214	Lynda L. Pinnell Living Trust Dated 7/24/00	Lynda L Pinnell Trustee 9915 Saddleback Drive Lakeside, CA 92040	\$324,523.84	\$50,000.00
10725-00138	Michael Raichbart	Joshua D. Brysk Law Offices of James G. Schwartz 7901 Stongeridge Drive, Suite 401 Pleasanton, CA 94583	\$150,000.00	\$50,000.00
10725-02188	Richard M. Raker Living Trust Dated 3/18/98	Richard M. Raker Trustee 982 Shoreline Drive San Mateo, CA 94404	\$262,420.15	\$50,000.00
10725-02326	L. Earle Romak IRA	First Savings Bank Custodian L. Earle Romak IRA P.O. Box 6185 Incline Village, NV 89450	\$1,000,000.00	\$50,000.00
10725-00379	William and Waltruud Schneider Family Trust dated 1995	135 Clearview Dr. Carson City, NV 89701-6698	\$250,000.00	\$50,000.00